



NORTHWESTERN UNIVERSITY SCHOOL OF LAW

December 5, 2008

Professor Locke Bowman
Roderick MacArthur Justice Center
Northwestern University School of Law
357 East Chicago Avenue

Re: *Mason v. County of Cook, et al.*
No. 06 CV 3449

Dear Professor Bowman:

At your request, I examined the bond decisions that occurred in Cook County between January 1, 1991 and December 31, 2007 for cases involving felony charges. This letter describes the results of the analysis I conducted with the assistance of Matt Patton, Ph.D. and Manyee Wong, Ph.D. As you requested, we evaluated whether or not a change occurred in felony bond amounts after Cook County began, on June 1, 1999, to conduct bond hearings for most felonies by closed circuit television rather than in-person. The data for the analysis were provided to us by Karen Landon of the Office of the Clerk of Cook County.

The results of the analysis show that average bond amounts rose substantially following the implementation of the closed circuit television procedure (CCTP). The change cannot be attributed to general trends or seasonal variations. The bond amount for the offenses that shifted to televised hearings significantly increased by an average of 65.5% across all of the CCTP cases. As both the graphs (Appendix A, graphs 1-7) and the statistical models (Appendix B, tables 1-7) appended to this letter reveal, the 65.5% increase in average bond level immediately followed the implementation of the CCTP on June 1, 1999 (graph 1, table 1). In separate analyses, significant increases of between 76.4% and 135.1% occurred for six major felonies subjected to the CCTP (graphs 2-7, tables 2-7). In contrast, the bond levels for the combined serious sexual assault and homicide cases, which continued to have live bond hearings, changed

at that point an estimated -11.6% to +16.2% (graph 8, table 8) and when analyzed alone, the homicide cases showed no change at all (-1.2%) in average bond level following the implementation of the CCTP (graph 9, table 9).

The detailed description of the analysis follows.

The Data

1. The Office of the Clerk of Cook County supplied all of the data used in this analysis in response to the “Notice of Deposition- Records Only” filed in the case of *Esses Mason, etc. v. County of Cook, et al.*, No. 06 CV 3449 on June 5, 2007. The Notice of Deposition requested computerized data on the felony bond hearings conducted in Central Bond Court in Courtroom 101 of the Criminal Courts building from 1991 through 1999. Karen Landon, Project Manager in the M.I.S. Division of the Office of the Clerk of the Circuit Court of Cook County supplied a series of computer files in response to the Notice of Deposition. Each case file included: 1) the date on which a bail applicant appeared for a bond hearing and 2) the statute number associated with the first offense with which the defendant was charged. Two-thirds of the cases also included a verbal description of the first offense with which the defendant was charged (e.g., possession of a stolen motor vehicle) or an abbreviation for the name of the offense (e.g., psmv for possession of a stolen motor vehicle). We obtained additional information on the characteristics of the data supplied in the files as the result of a meeting held in the Clerk’s office with Shari Diamond, Matt Patton, and Dennis McNamara of the Clerk’s Office on March 27, 2008. Following that meeting, we received additional data files from Karen Landon. The 606,386 felony case files supplied by the Clerk of Cook County provided the information analyzed here.

Preparing the Data for Analysis

2. We analyzed all of the 606,386 felony case files supplied by the Office of the Clerk of the Circuit Court of Cook County.

3. In our first analysis, we examined all cases involving offenses that were subjected to the CCTP. Then, to examine the consistency of results across different offenses, we conducted separate analyses on a series of offense categories. Finally, we examined the cases involving

offenses that continued to be handled by live hearings following the implementation of the CCTP.

4. Due to incomplete or ambiguous verbal offense descriptions in the computer files, we used a series of procedures and checks to identify the offense category for a case. We began with the statute number for the offense. The statute entries in the computer files were not formatted consistently (e.g., whether a hyphen or parenthesis was included). Because the statute numbers were not formatted consistently, we first removed all non-numeric characters from the statute codes. We then used a string function in SPSS to search these numeric statute codes for the substring that identified each particular offense, allowing us to identify the offense. For example, statute codes that contained “103” were identified as possession of a stolen motor vehicle.

5. We used the statute number rather than the verbal offense description as the basic way to identify the offense associated with the case because a) nearly one-third of the cases lacked a written offense description and b) the way an offense was described verbally varied substantially across entries (e.g. psmv or poss stol mv or possession of stolen motor vehicle).

6. To test whether this procedure had correctly identified only the appropriate offense, we examined the offense descriptions for these cases (in this example, those with the statute code “103”) to make sure they described the right offense (in this instance, possession of a stolen motor vehicle). To verify that other cases of possession of a stolen motor vehicle had not been missed because the offense was listed under a another statute number that did not contain “103”, we examined all of the statute numbers associated with common written descriptions of possession of a stolen motor vehicle. We also checked to see that the string function had not identified any group of at least 50 cases that described a different offense. In no instance did this checking procedure produce groups of misclassified cases. Each of the nine offenses we analyzed separately underwent this verification process.

7. Both verification procedures showed that cases of each offense had been correctly identified, that is, that we did not include cases that did not belong or omit cases that should have been included according to the listed statute number. The only potentially omitted cases were the .1 percent of cases in which no statute number was provided in the data file.

8. All bond amounts were transformed into constant dollars to control for inflation over time. All graphs and analyses are expressed in constant dollars.

The Analysis

9. For each of the 204 months between January, 1991 and December, 2007, we computed the average bond amount for cases resulting in bond decisions in that month, first for all of the cases with offenses that were handled by the CCTP beginning on June 1st, 1999 and then for various sub-groups of cases. We graphed the resulting values and generated models to test the impact of the change in bond procedure that occurred on June 1, 1991 (i.e., implementation of the CCTP). The average bond amount increased significantly following the implementation of the CCTP for offenses that shifted to televised bond hearings. On average, the mean bond amount rose 65.5%.

10. To test the robustness of this result across offenses, we examined the pattern of bond levels over time for each of six felonies that were subjected to the CCTP: 1) armed robbery; 2) unarmed robbery; 3) residential burglary; 4) non-residential burglary; 5) possession of a stolen motor vehicle; and 6) aggravated battery. When the court began to use the closed circuit television procedure, all of the offenses tested showed substantial and statistically significant increases. The average bond amount for each offense rose by varying amounts, ranging from 76.4% to 135.1%. The average increase for each of the examined offenses that moved to closed circuit television hearings was:

Armed robbery	+80.4%
Unarmed robbery	+ 108.3%
Residential burglary	+ 133.4%
Non-residential burglary	+76.4%
Possession of a stolen motor vehicle	+ 110.8%
Aggravated battery	+ 135.1%

11. Following June 1, 1999, charges involving homicides and serious sexual offenses continued to be handled with in-person hearings. Together these offenses account for less than 3 percent of the felony cases in the file, so they have little impact on the overall pattern. The virtue of looking at these cases separately, however, is that if the implementation of the CCTP increased

bond amounts, it should not have caused the same increase for cases that continued to be conducted with in-person hearings. We therefore identified the cases that involved homicides or serious sexual assaults and we examined those cases separately. We then compared the pattern for these most serious offenses, which continued to have live hearings, with the pattern for the remaining felonies, which shifted to closed circuit television hearings after June 1, 1999.

12. The average bond amount for the combined homicide and serious sexual assault cases, cases involving offenses that continued to have live hearings, changed when the CCTP was implemented an estimated -11.6% to +16.2%, based on the three best fitting models. Although all three models are presented (table 8), the third model includes a cubic term, which gives more flexibility in estimating the functional form of the series. This third model, which produced a non-significant estimated change of -11.6%, provides the best estimate because it was best able to model the series closer to the interventional cut-off point. The other two models produced change estimates of 9.1% and 16.2%. The homicide cases, when analyzed alone, showed no statistically significant change in average bond level after June 1, 1999.

13. In contrast, the average bond amount for the other felonies rose significantly when bond hearings began to be conducted by closed circuit television. The rise in bond level was 65.5% across all of the CCTP cases.

14. These results demonstrate that the change in bond procedures led to a large and abrupt increase in the bond levels set in felony cases handled by televised bond hearings after June 1, 1999.

If you have any questions, please let me know.

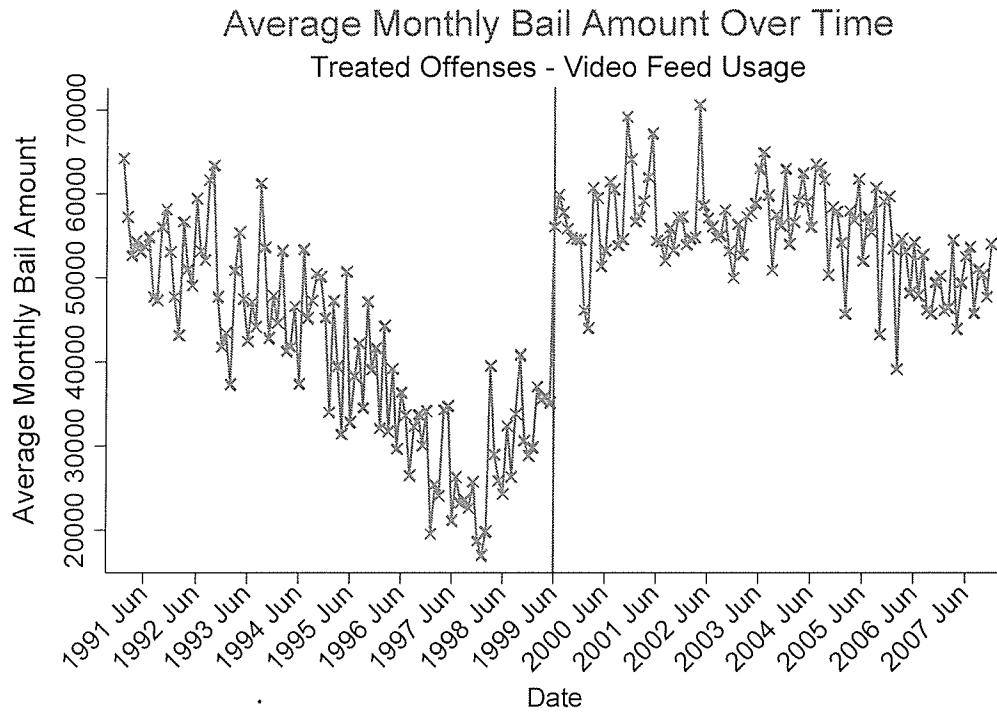
Sincerely,

A handwritten signature in cursive script, appearing to read "Shari Seidman Diamond". The signature is written in black ink on a white background.

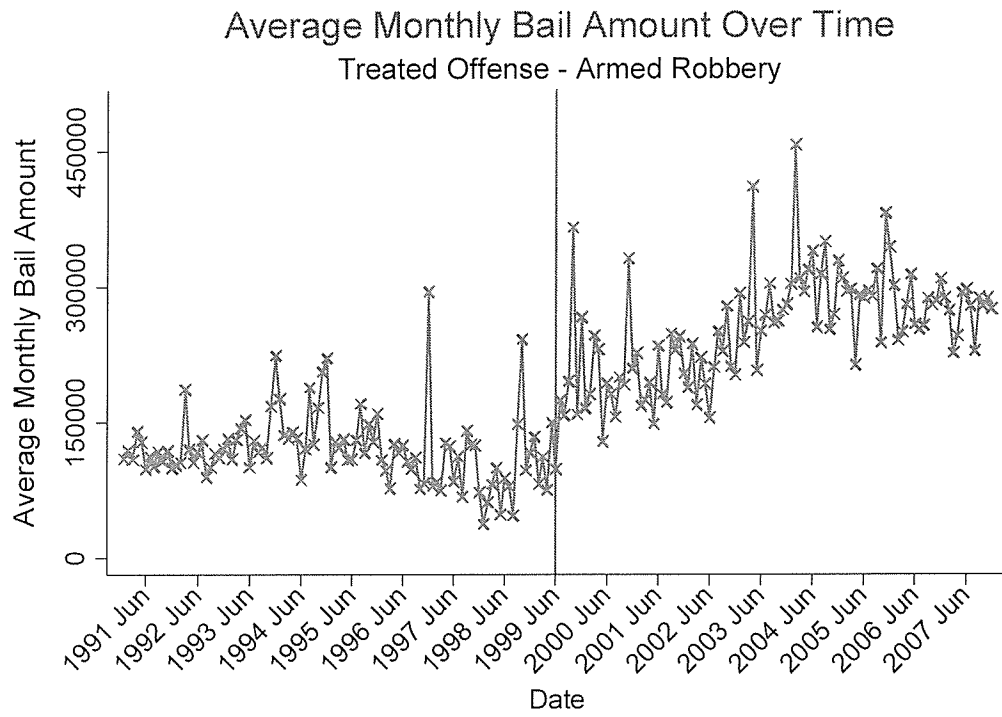
Shari Seidman Diamond, JD, PhD
Howard J. Trienens Professor of Law
and Professor of Psychology

APPENDIX A

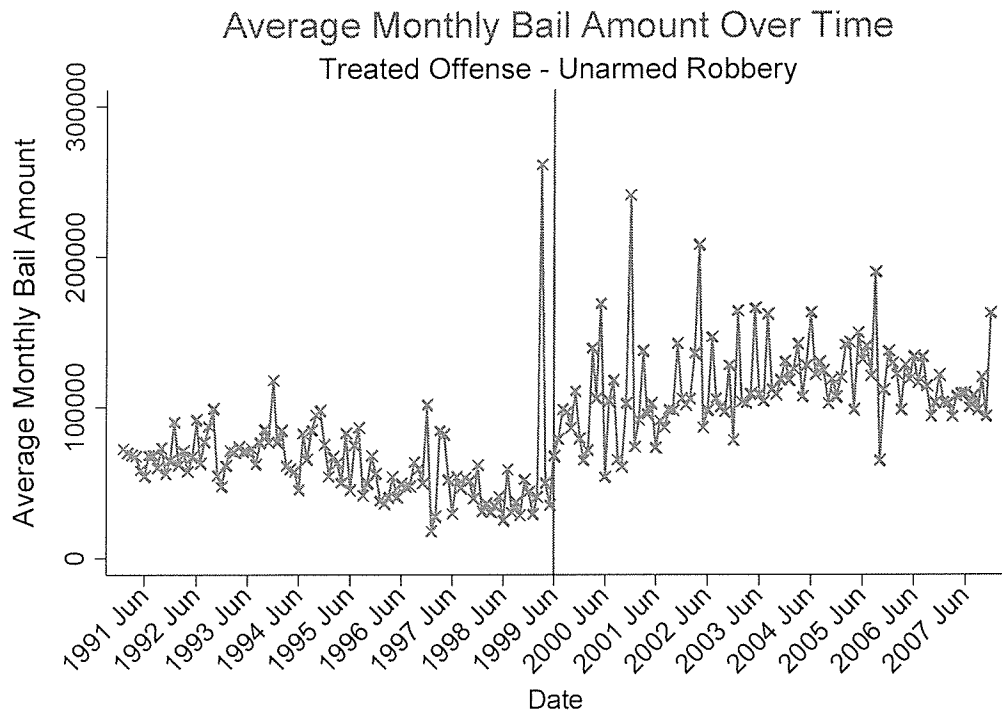
1. All Cases involving Offenses that Shifted to Televised Hearings on June 1, 1999



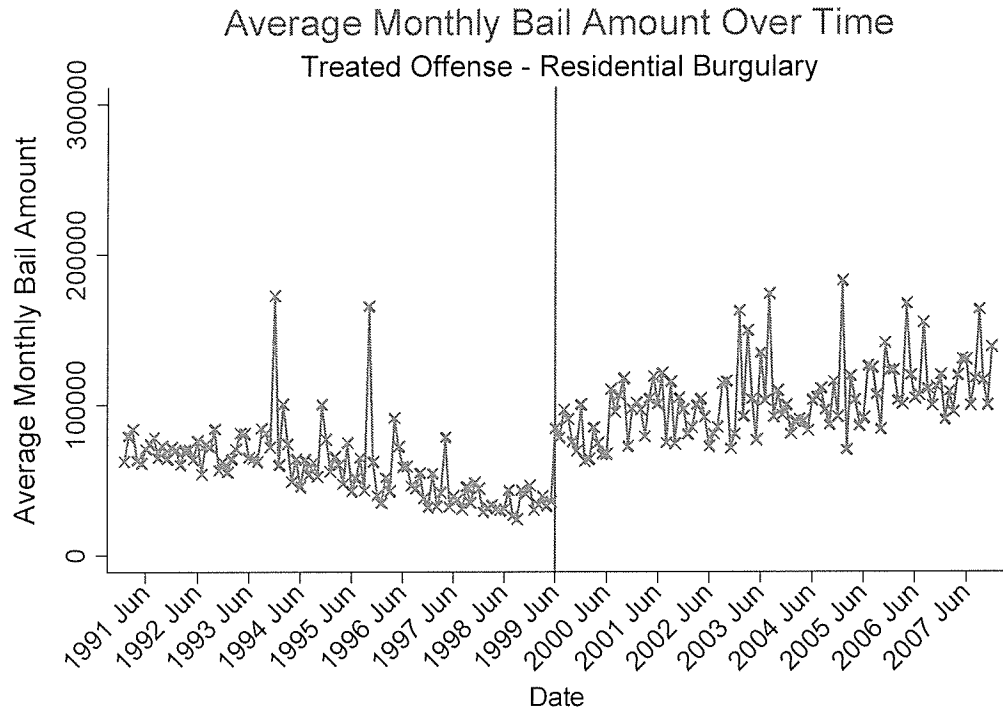
2. Armed Robbery Cases (televised beginning June 1, 1999)



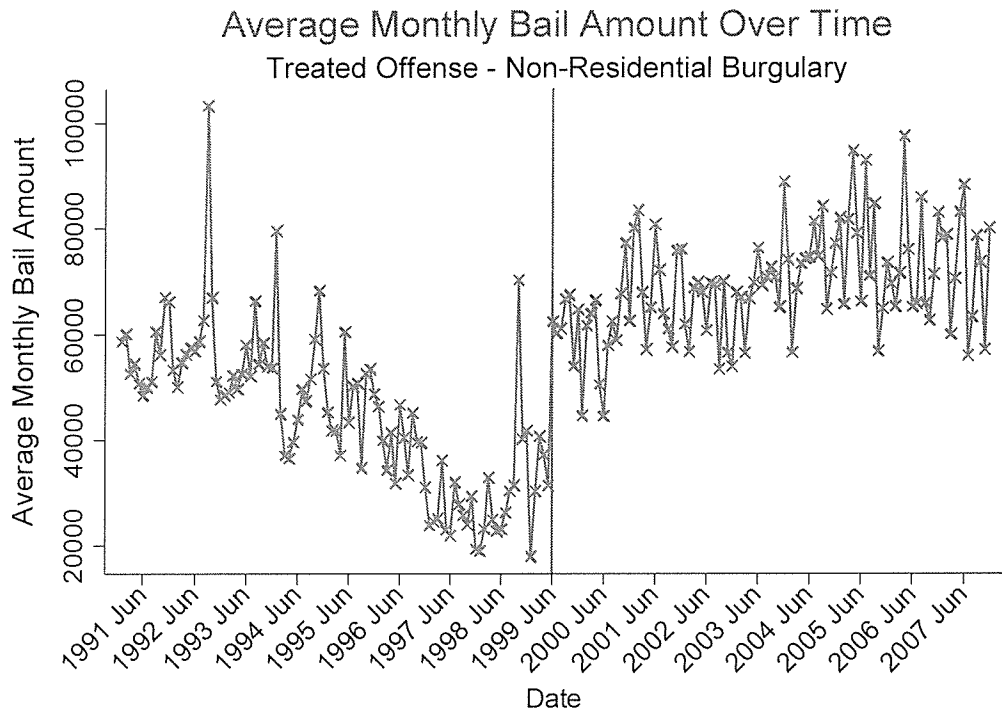
3. Unarmed Robbery Cases (televised beginning June 1, 1999)



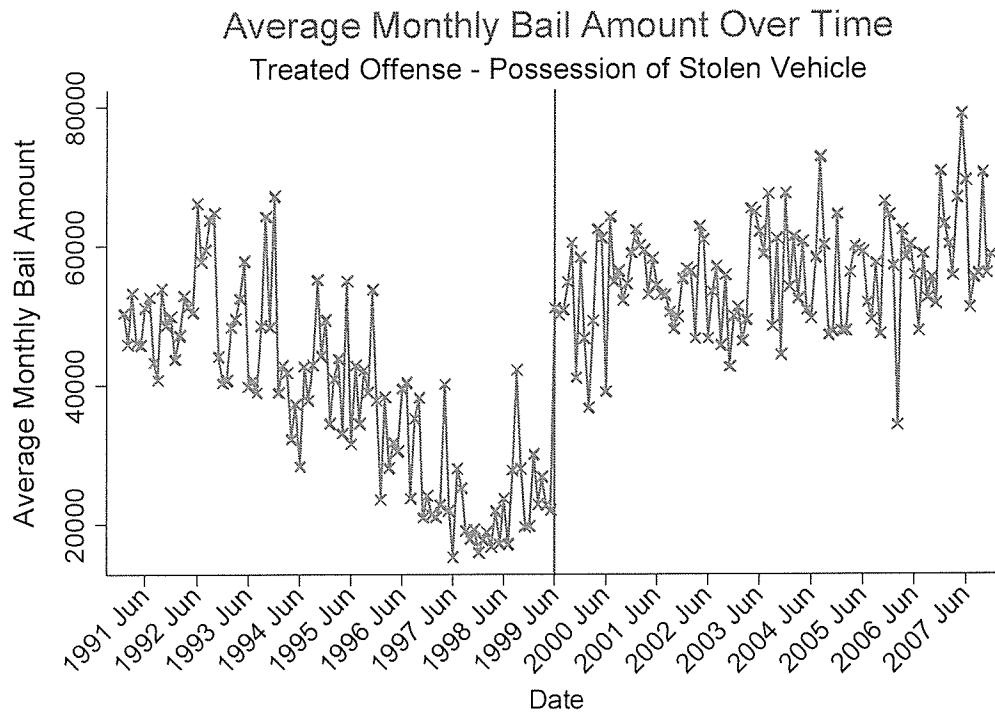
4. Residential Burglary Cases (televised beginning June 1, 1999)



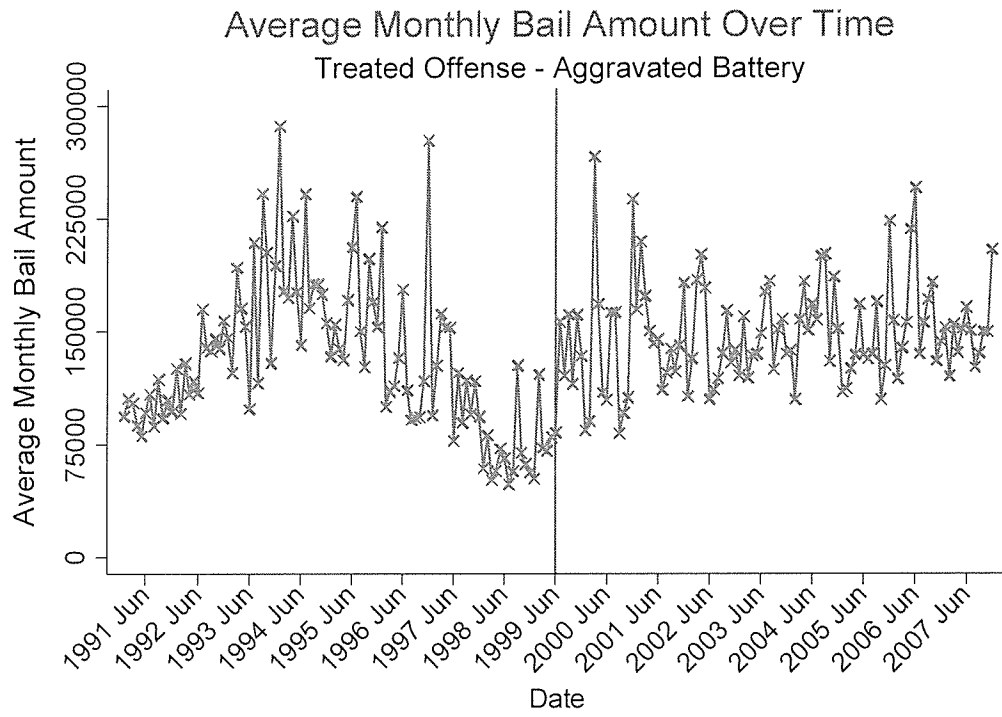
5. Non-residential Burglary Cases (televised beginning June 1, 1999)



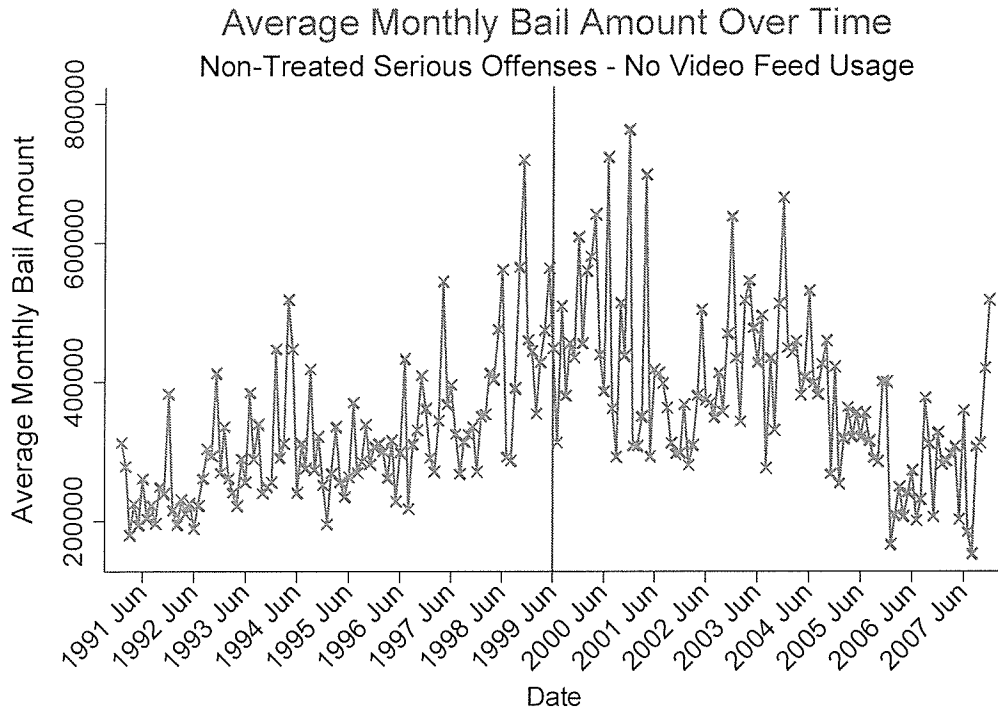
6. Possession of a Stolen Motor Vehicle (televised beginning June 1, 1999)



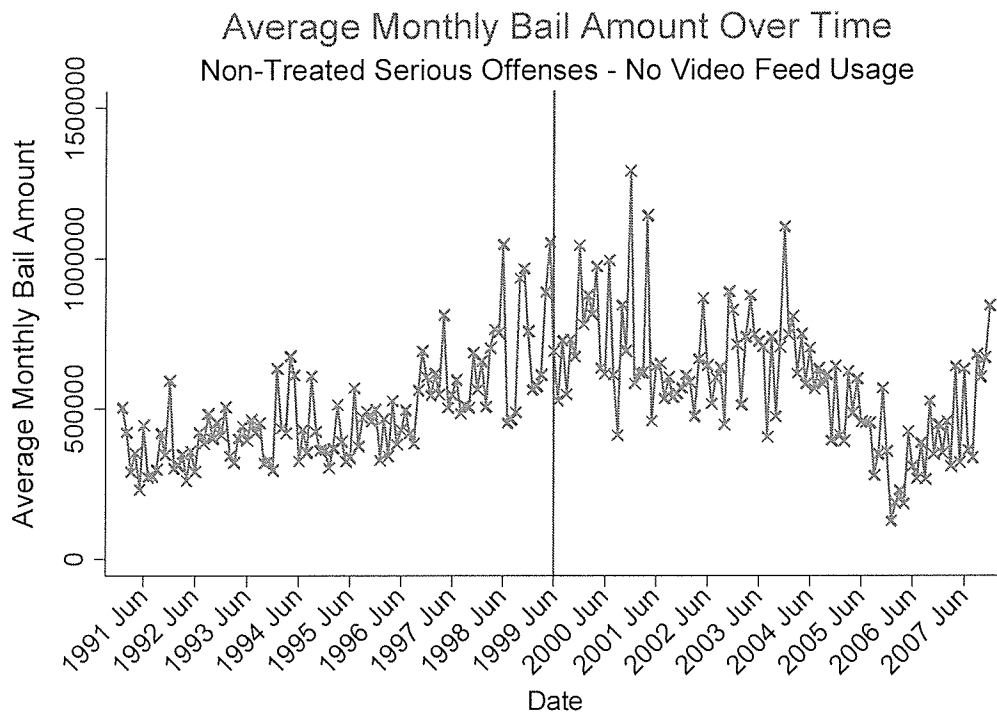
7. Aggravated Battery Cases (televised beginning June 1, 1999)



8. Offenses that Remained Live after June 1, 1999



9. Homicide Cases Only (remained live after June 1, 1999)



APPENDIX B

Table 1: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail for Felony Cases Subject to Closed Circuit TV Hearings beginning June 1, 1999

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	613.606**	202.761
Month SQ	21.781***	4.371
Month CU	0.138***	0.027
Policy Intervention	21719.479***	3753.745
Policy Intervention x Month	-439.768	324.413
Policy Intervention x Month SQ	-24.284***	6.763
Policy Intervention x Month CU	-0.137**	0.044
Constant	33181.243***	2524.892
Sigma (S.D.)	5453.501***	310.290
ARMA		
L1 ma		
L1 ar		
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4107.364	
Akaike	4137.227	
Schwarz's information criterion	739.427	
* p<0.05, ** p<0.01, *** p<0.001		

Table 2: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail Armed Robbery (TV Hearings beginning 6/1/1999)

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	631.756	1603.104
Month SQ	39.188	40.461
Month CU	0.339	0.286
Policy Intervention	84978.197***	20135.379
Policy Intervention x Month	-1198.851	1995.063
Policy Intervention x Month SQ	31.236	50.698
Policy Intervention x Month CU	-0.918**	0.349
Constant	105690.555***	16644.915
Sigma (S.D.)	42350.176***	1544.998
L1 ma		
L1 ar		
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4943.648	
Akaike	4973.511	
Schwarz's information criterion	554.863	

* p<0.05, ** p<0.01, *** p<0.001

Table 3: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail Unarmed Robbery (TV Hearings beginning 6/1/1999)

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	-252.623	150.118
Policy Intervention	53549.712***	7116.33
Policy Intervention x Month	466.134*	189.483
Constant	49433.347***	7216.27
Sigma (S.D.)	28030.908***	942.788
L1 ma		
L1 ar		
Model Sig.		0
N. of cases		204
Model Chi Square	4767.281	
Akaike	4783.871	
Schwarz's information criterion	146.13	

* p<0.05, ** p<0.01, *** p<0.001

Table 4: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail Residential Burglary (TV Hearings beginning 6/1/1999)†

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	-452.057***	122.097
Policy Intervention	47698.471***	8457.015
Policy Intervention x Month	824.477***	145.411
Constant	35759.828***	7099.274
Sigma (S.D.)	20645.464***	750.305
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4642.509	
Akaike	4659.100	
Schwarz's information criterion	228.151	

* p<0.05, ** p<0.01, *** p<0.001

† (single high outlier occurring post 6/1/1999 removed)

**Table 5: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail
Non-Residential Burglary (TV Hearings beginning 6/1/1999)**

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	691.032	463.488
Month SQ	27.992*	11.288
Month CU	0.194*	0.076
Policy Intervention	26530.935***	7806.811
Policy Intervention x Month	-677.311	672.549
Policy Intervention x Month SQ	-22.001	14.918
Policy Intervention x Month CU	-0.245*	0.096
Constant	34734.782***	4451.024
Sigma (S.D.)	9161.191***	400.789
ARMA		
L1 ma	0.216**	0.078
L1 ar		
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4321.058	
Akaike	4354.240	
Schwarz's information criterion	350.440	
* p<0.05, ** p<0.01, *** p<0.001		

Table 6: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail Possession of Stolen Vehicle (TV Hearings beginning 6/1/1999)

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	349.293	316.368
Month SQ	20.698**	7.245
Month CU	0.150**	0.048
Policy Intervention	26597.926***	5397.798
Policy Intervention x Month	-72.207	446.972
Policy Intervention x Month SQ	-26.505**	10.200
Policy Intervention x Month CU	-0.109	0.065
Constant	24016.007***	3843.475
Sigma (S.D.)	7428.220***	400.002
ARMA		
L1 ma		
L1 ar		
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4233.448	
Akaike	4263.311	
Schwarz's information criterion	432.084	
* p<0.05, ** p<0.01, *** p<0.001		

Table 7: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail Aggravated Battery (TV Hearings beginning 6/1/1999)

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	-2293.650	1243.664
Month SQ	19.190	27.668
Month CU	0.414*	0.183
Policy Intervention	75985.377***	21358.727
Policy Intervention x Month	2968.637	1743.176
Policy Intervention x Month SQ	-28.760	39.340
Policy Intervention x Month CU	-0.362	0.257
Constant	56236.781***	16480.152
Sigma (S.D.)	34604.459***	1520.900
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	4861.236	
Akaike	4891.099	
Schwarz's information criterion	93.089	
* p<0.05, ** p<0.01, *** p<0.001		

Table 8: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail for Homicide and Serious Sexual Assault (Live Hearings)

	Model 1		Model 2		Model 3	
	Coef.	Std. Err.	Coef.	Std. Err.	Coef.	Std. Err.
Bond Amount						
Month	1994.561***	467.702	2151.390***	635.026	10649.667*	4370.736
Month SQ					183.108	104.534
Month CU					1.067	0.687
Policy Intervention	68044.111*	28188.080	39200.656	43001.019	-59000.469	59789.326
Policy Intervention x Month	-3963.458***	574.941	-3833.961***	806.912	-9083.754	5585.1
Policy Intervention x Month SQ					-253.612	130.448
Policy Intervention x Month CU					-0.678	0.83
Constant	419377.126***	23836.726	431404.135***	33525.627	507683.294***	42368.651
Sigma (S.D.)	91121.923***	4231.002	90721.224***	4191.875	89407.257***	4208.839
ARMA						
L1 ma			-0.741***	0.155		
L1 ar	0.191**	0.062	0.861***	0.124	0.158**	0.061
Model Sig.	0.000		0.000		0.000	
N. of cases	204		204		204	
Model Chi Square	5250.272		5250.569		5250.552	
Akaike	5270.181		5273.796		5283.733	
Schwarz's information criterion	79.061		157.054		96.408	

* p<0.05, ** p<0.01, *** p<0.001

Table 9: Interrupted Time-Series Analyses of Changes in the Monthly Amount of Bail for Homicide Cases (Live Hearings)

	Best Fitting Model	
	Coef.	Std. Err.
Bond Amount		
Month	10061.525***	2799.926
Month SQ	61.951*	30.201
Policy Intervention	-9177.631	65061.155
Policy Intervention x Month	-13246.234***	3507.367
Policy Intervention x Month SQ	-65.808	35.566
Constant	782236.668***	46315.268
Sigma (S.D.)	149891.279***	6762.801
	0.169**	0.061
Model Sig.	0.000	
N. of cases	204.000	
Model Chi Square	5457.350	
Akaike	5483.895	
Schwarz's information criterion	108.681	
* p<0.05, ** p<0.01, *** p<0.001		